

Naples City Council

August 11, 2011

Minutes

The regularly scheduled meeting of the Naples City Council was held August 11, 2011, 7:35 p.m., at the Naples City Office, 1420 East 2850 South, Naples, Uintah County, Utah.

DATE, TIME & PLACE OF MEETING

Council members attending were Dean Baker, Robert Hall, Gordon Kitchen, Dennis Long, Dan Olsen, and Kenneth Reynolds.

COUNCIL MEMBERS ATTENDING

Others attending were Emilee Hardman, Rob Heywood, Mark Watkins, Jim Harper, Connie Patton, Chris Hoem, Craig Blunt, and Nikki Kay.

OTHERS ATTENDING

At 7:30 p.m. Mayor Baker welcomed everyone and called the meeting to order. Mayor Baker opened the meeting with the pledge of allegiance. Councilman Dan Olsen offered the invocation.

OPENING CEREMONY

Mayor Baker asked for approval of the agenda. Councilman Long wanted to discuss a couple of matters at the end of the meeting. Robert Hall **moved** to approve the agenda as amended. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

AGENDA APPROVED

Mayor Baker asked for approval of the minutes of July 28, 2011. Dennis Long **moved** to approve the minutes of July 28, 2011. Dan Olsen **seconded** the motion. The motion passed with all in attendance voting aye.

MINUTES APPROVED

Mayor Baker asked about any follow up matters from the July 28th meeting. Councilman Hall asked about the meeting regarding the 1900 South drainage. Mayor Baker said they met with the Engineer and discussed the possible scenarios for running the drainage. Mayor Baker said they discussed running the drainage from the upper man hole on the school property across the road to the fire department parking lot and then go north onto the field and build a berm to keep the water from going out onto the field. The other option discussed was to cross the road further down and allow the water to drain into the swell west of the water park. Mayor Baker said the concern there was all of the debris that might pile up in the swell. Mayor said the blue stake was completed

FOLLOW UP ITEMS FROM PREVIOUS MEETING

and they were waiting from the information from Kevin Ralphs the engineer. Craig Blunt said they are waiting for information on the Bascom property which would allow for an easement to run the water to the gulch on the north side of the park.

Connie Patton presented the bills in the amount of \$20,001.63 and asked for approval to pay them. Kenneth Reynolds **moved** to approve the amount of \$20,001.63 for payment of the bills. Dennis Long **seconded** the motion. The motion passed with the following roll call vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Absent

APPROVAL OF THE BILLS

Craig Blunt said the work for the Downtown Plan has been completed and the final payment has been requested from Tracy Stocking and Associates. Craig said they don't feel comfortable with the hours submitted from Tracy Stocking but he doesn't know what else to do except to pay the bill. Councilman Long wanted to know if this would finish things up with them. Craig said it would. (Councilman Kitchen arrived at this time). Councilman Hall wanted to know if the amount has been budgeted for this year. Craig said it has not. He thought the budget for Redevelopment would need to be opened and amended to account for this expenditure. Craig said Tracy Stocking also works with retail establishments and could be helpful in the plan for the 1 acre development. Craig stated they are well associated with Associated Foods and might be able to help with getting a grocery store in Naples. Councilman Long wanted to know which group said the City was not big enough for a grocery store. Craig said it was Associated Foods that said it and it would be the City's job to show them that we are. Kenneth Reynolds **moved** to approve the payment to Tracy Stocking in the amount of \$26,260 and have Redevelopment reimburse the City for payment. Dennis Long **seconded** the motion. The motion passed with a roll call vote as follows:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye

APPROVAL TO PAY TRACY STOCKING INVOICE

A business license application from Lowe's Produce was given to Council for their approval. Craig Blunt explained that Mr. Lowe has received permission from the property owner and would like to place his produce stands next to Naples Café. Craig stated he didn't have a problem with the location as long as Mr. Lowe provided the proper signage and plans for parking and traffic flow. Mayor Baker wanted to know if this was going to be a conditional license or a seasonal license. Councilman Reynolds wanted to know if the City was going to require him to clean it up at the end of the season because he doesn't clean up the one in Vernal. Craig said this would be a conditional license and he would write up a list of the conditions. Robert Hall **moved** to approve the license with the conditions set by Craig. Dan Olsen **seconded** the motion. Councilman Kitchen wanted to know if they were going to put a length of time on the license and when the end time would be. Robert Hall **modified** his motion to approve the license with the conditions set by Craig and to allow the license through 2011. Dan Olsen **seconded** the amended motion. The motion passed with all voting aye.

***BUSINESS LICENSE
APPROVAL FOR LOWE'S
PRODUCE***

Jim Harper asked Council approval to expend money to have the roads striped. Jim said there has been confusion in the past as to which roads to stripe and how they are to be painted. Jim said the bid contract includes a map of where and how to paint the lines. Jim said the bid packet also includes the footage to be painted. Jim estimated the cost at \$13,000 but has not received any bids yet. He asked the Council to approve up to \$13,000 for the striping. Councilman Kitchen wanted to know if they weren't doing the process backward by asking for approval of a set amount before receiving any bids on the project. Councilman Kitchen said they should approve the bidding process. Jim said they would set the bid at a maximum of \$13,000 and take the lowest bid. Gordon Kitchen **moved** to approve the bid process and when the bids are obtained they will approve the bid amount. Dennis Long **seconded** the motion. The motion passed for all voting aye.

***EXPENDITURE OF FUNDS
FOR ROAD STRIPING***

Jim Harper reminded the Council that at the last meeting the Council approved an amount to haul asphalt millings to Allred's yard. Jim said they approved \$95 an hour for twenty hours to KW Trucking. Jim explained that he contacted B.H.I. to ask them about using one truck with two trailers and found out they could haul the asphalt for \$110 an hour but

***REQUEST TO INCREASE
AMOUNT TO HAUL
ASPHALT MILLINGS***

with two trailers they could haul double the amount. Councilman Kitchen wanted to know if the City hadn't already committed themselves to KW Trucking with the motion made at the last meeting. A discussion was held about whether or not they could reject all of the bids and rebid the project. Craig said he could ask the City Attorney but believed the City was obligated to their earlier motion. No action was taken on this matter.

Chief Watkins updated the Council on a recent addition to the K-9 program. Chief Watkins wanted the Council to know that Officer Cox is certified as a K-9 drug dog instructor. He reported to the Council that the Naples Police Officer Association is currently raising money to help certify Officer Cox as a K-9 patrol dog instructor. Chief Watkins said he received a call from Chief Russo of the Cottonwood Heights Police Department stating they had a K-9 dog for sale and they would sell it for \$1.00. Chief Watkins said they can use this dog as a training dog. Chief Watkins said the dog may eventually be working with Officer Tatangelo but for now it won't be a working dog. Chief Watkins said they anticipate retiring JonNae in about two years. Councilman Long wanted to know how much the dogs are used. Chief Watkins said they are used quite a bit and they hope to get Officer Cox certified to help train other K-9 officers in the area. Councilman Kitchen wanted to know the demographics for other departments and how many K-9's other departments have. Chief Watkins said he didn't know. Dan Olsen **moved** to accept the third K-9 to the police force. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

Craig Blunt referred the Council to the appraisal received for lots in Pheasant Run Subdivision. Craig said he would like Council approval to begin negotiations to purchase the lots for the CDBG self-help housing program. Councilman Kitchen wanted to know how this process works after the City purchases the lots. Craig said the program can be set up however the City would like. The City could choose to give the homeowners the whole amount or only a partial amount. Councilman Kitchen wanted to know if it could be set up for each individual's economic circumstances. Mayor Baker wanted to know how many lots Craig was looking to purchase. Craig stated they could purchase six to seven lots if they can be purchased close to the appraised amount. Mayor Baker questioned the unimproved lot on the appraisal sheet. Craig said the appraisal amount should be for

DISCUSSION OF K-9 PROGRAM

LOT APPRAISAL INFORMATION FOR CDBG SELF-HELP HOUSING GRANT

improved lots. A discussion was held regarding which lot was listed on the appraisal. Craig said he would make sure the appraisal was for an improved lot. No action was taken on this matter until Craig can receive clarification on the appraisal.

Ron Heywood, representing Pheasant Run, LLC, was present at the meeting. Craig reviewed the items the developer of Pheasant Run is willing to complete in order to have the warranty bond with Heber Valley Bank released. A letter received from Jonathan K. Hansen listed those items as follows:

***APPROVAL OF ESCROW
AGREEMENT FOR
PHEASANT RUN
SUBDIVISION AND
RELEASE OF PRESENT
WARRANTY BOND***

- The Developer will build the 750 E Road by, at least, June 1, 2014
- The obligation to build the road will be secured by a first trust deed position on property in Heber City, Utah
- The Developer will provide appraisal information regarding the land
- The Developer shall not distribute cash from the sale of lots to equity owners prior to construction of the 750 road
- The Developer and City shall enter into a new definitive bond agreement
- Immediately upon entering into the new bond agreement, the City shall release all obligations under the existing bond
- The security of the land shall be limited to the cost of constructing a paved road 20' wide that can support a 75,000 axle weight
- The Developer will be responsible, at the time the next phase is built, for either connecting the street lights in Phase 1 to one meter, where the City will pay the power bill, or pay the power bill if the street lights remain connected to separate meters

Councilman Long wanted to know if the conditions listed were good with Mr. Heywood. Mr. Heywood said they are agreeable to those conditions but pointed out they needed to make one change to the bond release letter from the City. Mr. Heywood said the change has been sent to Dennis Judd and he was okay with it. The last paragraph was edited to read:

The parties understand and agree that Pheasant Run Estates One, LLC is an intended third-party beneficiary of this agreement; however certain obligations under that Agreement remain as to Pheasant Run One, LLC and shall be secured by other instruments as outlined in that certain Private Project Development Bond Secured by Real Property between Pheasant Run and the City dated August _____, 2011.

Mr. Heywood said this was just a clarification of the one line in the letter referring back to the new bond agreement. Robert Hall **moved** to approve the escrow agreement as stated. Dennis Long **seconded** the motion. The motion passed with the following vote

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Craig Blunt wanted to discuss the County's fence project around the airport. Craig said the County is finally making an effort to provide the documentation to vacate the 1000 South road. Craig said the contractor had given the okay to block off the road without having the proper paperwork. Craig said he received a letter from the County's attorney about the County's efforts to take the necessary steps to move forward with vacating the road. Craig said part of the petition for a request to vacate the road should include a design for the turn around or cul-de-sac for 1000 South. Craig said the County still has issues with property ownership on the north side of the road and they have not contacted Mr. Bingham on the south. Councilman Long wanted to know if this is something new that has just been requested of the City. Craig said this has been an ongoing issue where the City has tried to remind the County the steps they would need to take in order to block off 1000 South. Councilman Hall wanted to know if the fence would run north to south. Craig said it would and then it would angle back behind the Industrial Park. Mayor Baker said his concern is they either build a cul-de-sac or they will have to go down each side of the easement to the fence line and back up. Mayor Baker said he spoke with Commissioner McKee and told him the City would like a cul-de-sac. Craig said they have also not received any information as to what type of signs the County will put up after the road is closed off. Mayor Baker recommended a

***DISCUSSION ON
REQUEST TO VACATE
1000 SOUTH ROAD***

letter be sent to the County stating no fence will be built across Naples City's easements on 1000 South until the cul-de-sac is in and correct signage put up according to Naples City standards. Craig said the County has not obtained the property to the north but was given permission by a Judge to put up the fence. Craig said the County can build the fence on the sides the County owns and put the cul-de-sac in but they want to put it on the other side. Dennis Long **moved** to send a letter as discussed. Robert Hall **seconded** the motion. The motion passed with all voting aye.

Craig Blunt said the Council received information at the last Redevelopment meeting about forming a Community Development Agency. Craig said the City has not heard anything back from the developers that requested the City consider this, so until they do, the City doesn't want to expend any funds to move in that direction. Mayor Baker wanted to know if there are any initial steps that can be done right now. Craig said nothing can really be started until the City knows what is needed.

City Administrator - Craig Blunt wanted the Council to know they will be conducting a walk through of 2500 South on Tuesday the 16th at 2:00 p.m. He said they will start at the west end and work their way east.

Craig said he is still working on replacing the light fixtures in the building and should have the fixtures here by the end of the month and have them installed within a week.

Craig said the Beehive House is nearing completion. He said the stucco work is being completed and they are getting ready to paint inside and lay the carpet.

Craig also told the Council he has not heard back from UDOT regarding the parking along Highway 40 near the Maverick.

Craig reported that he should have the cost for the 1900 South drainage scenarios, that were discussed earlier, by tomorrow. He also thought he should have more information regarding the offer to the Bascom's for their property by the next Council meeting.

Police Department - Chief Watkins wanted the Council to know that he will be sending Officer Cox to training next week to update his firearms instructor certification. He also told the Council that the department has been helping with

DISCUSSION TO FORM C O M M U N I T Y DEVELOPMENT AGENCY

ADMINISTRATIVE AND SPECIAL SERVICE DISTRICT UPDATES

the escort of Sgt. Daniel Gurr and will also participate in the funeral.

Chief Watkins said he is a little concerned about the speeds on 2500 South. Mayor Baker said he drove the road and hasn't noticed any real trouble. Chief Watkins said the speeds recorded by the speed trailer are registering about 44 mph and wanted to know if the Council wanted to consider lowering the limit. Council members were not ready to do that yet and wanted to see the Department patrol the road and kindly remind travelers of the posted speed limit.

Councilman Kitchen wanted to know if the School District had contacted the City about the problem created with the additional turning lane on 2500 South and the potential hazard of people not stopping for the buses picking up and dropping off children. Chief Watkins said he would get with Craig and they would contact the School Transportation Department to see what they can do.

Chief Watkins told the Council that he is very proud of his officers and what they do for the City. He also passed along the officers appreciation to the Council for the cost of living wage increase that was given.

City Planner - Chris Hoem wanted the Council to know of the upcoming conference hosted by Utah League of Cities and Towns. He said the conference always has great information.

Chris said the Planning Commission has recommended repealing the PUD Ordinance and he will be bringing that information to Council.

Chris reported that he has the banner and certificates for the Business of the Month and will be starting that in September. Chris said the College has agreed to donate ice-cream for those businesses receiving that award. Mayor Baker said they should contact the media and make sure they are aware of the dates when those awards are given.

Councilman Kitchen asked Chris about the FEMA maps showing the flood plains in Naples. He said he was recently contacted by a resident who told him their mortgage company was requiring \$2,000 a year for flood insurance. Chris said Craig is working with FEMA to try and correct the maps and help alleviate some of those errors and

inconsistencies. Chris said they will also be working with an Engineer to show how the City has upgraded the storm water systems. Councilman Kitchen said Chris might want to contact Chris Clark with Uintah Engineering to see if he would be able to help with those corrections.

Road Department - Jim Harper said his department has been working on weed control, box drains, drainage at the shop yard, and painting the curbs in the red zones. Councilman Long wanted to know if someone has been out checking the fire hydrants. Councilman Hall said they have someone doing an Eagle Scout project that has been checking the hydrants. Craig wanted the Council to know the ISO inspectors have also been out. Craig said the Fire Department should be thanked for the work they do because it resulted in a good ISO rating which helps everyone in the City.

Animal Control SSD - Councilman Olsen reported on the number of estrays that are being picked up on BLM property. He said the BLM stated there are no wild horses on BLM land and so any horses picked up are considered estrays and become a large cost to the District.

Fire Suppression SSD - Councilman Hall had nothing to report.

Health Services SSD - Councilman Hall said the open house for the Golden Age Center will be held on August 23rd at noon.

Impact Mitigation SSD - Councilman Long said the District received a grant to continue ozone testing in the area through the winter. He also reported the District will fund the RN Program through the next year. Councilman Long said the District just completed an audit and everything was good.

Recreation District - Councilman Kitchen had nothing to report.

Councilman Long wanted to thank the road department for placing the flags at the road side park in honor of Sgt. Daniel Gurr.

OTHER MATTERS

Councilman Long also reported that he had a door-to-door salesman come to his house on Tuesday night at 8:30 p.m. He wanted to know who to call that late in the evening. Chief

Watkins said to call Central Dispatch and the duty officer could respond to make sure the people have the proper licensing.

With no other business before the Council, Kenneth Reynolds **moved** to adjourn the meeting at 9:30 p.m. Robert Hall **seconded** the motion. The meeting was adjourned.

MOTION TO ADJOURN

APPROVED BY COUNCIL ON THE 25th DAY OF AUGUST 2011

BY: _____

ATTEST: _____